

PUBLIC HEARING of the Town Council held Wednesday, October 28, 2009 at 7:15 P.M. in the Council Chamber, Town Building, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.

PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

MEMBERS ABSENT: Councilor Robert A. Bishop was excused

NOTE: An information session was held prior to the public hearing starting at 6:30 P.M. Representatives of the Public Works Department were available to answer any questions.

Relative to considering and acting upon declaring that Elm Street in the Town of Burrillville is a Public Highway; said Elm Street is set forth in the plan, entitled:

Right of Way Plan

Elm Street

Burrillville, Rhode Island

Prepared For:

Town of Burrillville

105 Harrisville Main Street

Harrisville, Rhode Island 02830

Project No. 08-061 Scale: 1"=50'

Date: 03/04/09

Waterman Engineering Co

NOTES: Notice was personally sent to all abutting property owners by certified mail, in accordance with the provisions of RIGL §24-2-1. Notice of the hearing was advertised in the legal section of the Woonsocket Call on Wednesday, October 21, 2009.

1. Legal analysis from Town Solicitor Timothy F. Kane.

Timothy F. Kane, Town Solicitor, explained the legal process for creation of public highways by use, as provided in Rhode Island general law §24-2-1. Mr. Kane indicated that the process had been followed relative to this roadway. Mr. Kane said that, if the resolution was to be adopted by the Town Council, the road would become a town road and that the town would be responsible for maintenance.

2. Testimony from Department of Public Works

Paul Cahill, Foreman, Burrillville Department of Public Works, testified that Elm Street had been maintained by the town for at least 20 years.

3. Testimony from Waterman Engineering Company

Richard Lipsitz, Professional Land Surveyor, Waterman Engineering,

testified that, at the request of the Town, Waterman Engineering had conducted the right-of-way survey of Elm Street as required by state law. Mr. Lipsitz testified that the results of the survey were shown on the referenced plan, which had been provided to the town, sent to abutters and was available at the hearing.

4. Public Comment

Robert Baxter, Spring Street, Pascoag noted that Elm Street extends to Spring Street but that there is a driveway near the intersection. Mr. Baxter asked whether there was intent to make Elm Street a through street. There was discussion that there was no plan to encroach on existing uses but that the town was considering accepting Elm Street because the town needs the legal right-of-way to move forward on any programs, such as drainage, for the area. It was suggested that public input would be sought during the design phase of any proposed projects.

5. VOTED to close the public hearing.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the six members present. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Robert A. Bishop was excused.

6. VOTED to adopt a resolution declaring that Elm Street in the Town of Burrillville is a Public Highway, as follows:

**Resolution Declaring Elm Street
in the Town of Burrillville
a Public Highway**

The Town Council of the Town of Burrillville, acting pursuant to the authority granted to Town Councils by RIGL §24-2-1 et seq., hereby declares that Elm Street in the Town of Burrillville is a Public Highway, said Elm Street is set forth in the plan, entitled:

Right of Way Plan

Elm Street

Burrillville, Rhode Island

Prepared For:

Town of Burrillville

105 Harrisville Main Street

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The Town Council finds that the lands constituting Elm Street has been or shall be quietly, peaceably, and actually used and improved and considered as a public highway for the space of twenty (20) years

and are declared by the Burrillville Town Council to be a public highway, and are taken and considered as public highways to all intents and purposes as fully and effectively as if lands had been laid out, recorded and opened by the Town Council of the Town of Burrillville.

Adopted as a resolution this 28th day of October 2009

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees.

Discussion: Councilor Norman C. Mainville supported the testimony that the town had considered Elm Street a public highway for more than 20 years, citing the maintenance conducted during the blizzard of 1978.

The vote was unanimous by the six members present. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Robert A. Bishop was excused.

7. VOTED to adjourn at 7:22 P.M.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous by the six members present. Voting in favor were Council President Nancy F. Binns and

Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Robert A. Bishop was excused.

The hearing was recorded.

Louise R. Phaneuf, Town Clerk